

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**4:20-CR-212**

**DEBRA LYNN MERCER-ERWIN (1)  
KAYLEIGH MOFFETT (2)**

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**THE UNITED STATES' RESPONSE TO  
NOTICE OF DISCOVERY VIOLATIONS PURSUANT TO  
RULE 16 AND REQUEST FOR AN EVIDENTIARY HEARING**

Comes now the United States and files this response to the Notice of Discovery Violations and Request for Evidentiary Hearing. Dkt. 378.

**RESPONSE**

In a notice filed with this Court on April 6, 2023, the Defendants allege that the United States failed to produce to the Defendants exculpatory evidence including most notably the results of a polygraph examination administered to Federico Machado in January 2021. Dkt. 378. The Defendants “request the production of any and all statements made by Fred Machado and an evidentiary hearing to determine why this information was withheld.” *Id.* at 3.

The United States has consistently complied with its discovery obligations under this Court’s pretrial orders, Rule 16, and *Brady* and *Giglio* including obligations insofar as they related to Machado. Counsel for Machado has represented to counsel for the United States that

Machado took a polygraph examination. This test was not administered by agents of the United States and the United States does not have any materials related to this examination.

**CONCLUSION**

For the reasons set forth above, the Defendant's request for production and an evidentiary hearing should be denied.

Respectfully submitted,

BRIT FEATHERSTON  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed via electronic filing to defense counsel on April 8, 2023.

\_\_\_\_\_/s/\_\_\_\_\_  
ERNEST GONZALEZ